

215-1337

OGC Has Reviewed

14 June 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Claim for Unpaid Military Allowances -
Dr. [REDACTED] 25X1A9a

1. Forwarded herewith is the claim of Dr. Ross [REDACTED] in the amount of \$1400 together with the pertinent background documents. 25X1A9a

2. As is indicated by the first item attached, Dr. [REDACTED] claim for additional military pay of \$100 per month for the period 1 September 1947 to 31 October 1948 for voluntary extended active duty services as a doctor in the Medical Corps, U. S. Army, was denied by the Comptroller General on a ground that "while it would appear that you thus were not afforded the opportunity other medical officers had in the matter, this Office must give effect to the statute as it is written and, in the absence of an affirmative offer and acceptance of service as contemplated by the statute, there is no authority for payment of the additional pay claimed by you". Although I do not feel that the Court of Claims would necessarily have reached the same conclusion, there is little possibility of a ruling by the court in the absence of Agency permission to Dr. [REDACTED] to bring such a suit, since this appears to be the only case of its kind that has arisen. For the operational reasons indicated by the attached file, I do not recommend permission be granted Dr. [REDACTED] to bring such a suit. 25X1A9a

3. The same rationale mitigates against resubmission of this claim to the General Accounting Office under the authority vested in that office by 31 USC 236 for submission to Congress by the Comptroller General of claims that contain such elements of legal liability or equity as to be deserving of consideration by Congress. 25X1A9a

4. Since two proper methods for recourse by the claimant appear to be foreclosed on the ground of security of operations, the claim is forwarded for your determination under the provisions of paragraph 9 [REDACTED] 25X1A9a

25X1A

OGC/JC:fm:mks
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LAWRENCE R. HOUSTON
General Counsel